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Crime prevention and criminal justice

Improving the coordination of efforts against trafficking in persons

Report of the Secretary-General

Summary

Prepared pursuant to General Assembly resolution 64/178, entitled "Improving the coordination of efforts against trafficking in persons", the present report summarizes the work done by the United Nations Office on Drugs and Crime on the implementation of that resolution and contains proposals on strengthening the capacities of the Office for the efficient implementation of its coordination functions.

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I. Introduction

1. In its resolution 64/178, entitled "Improving the coordination of efforts against trafficking in persons", the General Assembly recognized the importance of bilateral, subregional, regional and international cooperation mechanisms and initiatives, including information exchanges on good practices, of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children.

2. The General Assembly also recognized that broad international cooperation between Member States and relevant intergovernmental and non-governmental organizations was essential for effectively countering the threat of trafficking in persons and other contemporary forms of slavery.

3. In that respect, the General Assembly encouraged all stakeholders, including the private sector, to strengthen the coordination of efforts, including through the Inter-Agency Coordination Group against Trafficking in Persons and regional and bilateral initiatives that promote cooperation and collaboration.

4. The General Assembly took note with appreciation of the decision of the President of the sixty-third session of the Assembly to appoint the co-facilitators to start consultations and consideration by Member States of a United Nations global plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking, and stressed the need for the consultations to be held in an open, inclusive and transparent manner, taking into account all the views expressed by Member States.

5. In that same resolution, the General Assembly requested the Secretary-General to invite, as appropriate, regional organizations to share information on challenges experienced and best practices in coordinating efforts to prevent and combat trafficking in persons, and to submit to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and to the Assembly at its sixty-fifth session a report on the implementation of that resolution.

II. Inter-Agency Coordination Group against Trafficking in Persons

6. The Inter-Agency Coordination Group in Trafficking in Persons, which was created in Tokyo in September 2006, held two meetings in New York in 2007 and two meetings, organized by the United Nations Office on Drugs and Crime (UNODC), in Vienna, in April 2009 and in January 2010.

Recommendations of the Inter-Agency Coordination Group

7. With regard to horizontal cooperation, the Inter-Agency Coordination Group agreed to have a rotating Chair and to host meetings in different venues to increase ownership by the participating organizations. The meetings would focus on different aspects of trafficking in persons, depending on the Chair, in order to make the most of the different mandates. UNODC would maintain the role within the Group outlined in General Assembly resolution 61/180, in which the Assembly requested

the Secretary-General to entrust the Executive Director of UNODC with coordinating activities, bearing in mind the availability of extrabudgetary resources.

8. With regard to vertical cooperation, the coordination activities of the Inter-Agency Coordination Group should be carried out not only at the global level but also at the regional and national level (through a phased approach). In addition, the Group is exploring synergies with existing coordination mechanisms at all levels.

9. With regard to its workplan, the Group will continue to meet at least once a year. UNODC will chair the next meeting and facilitate a side event on the Group in parallel with the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, to be held in Vienna in October 2010. In support of the side event, the Group will produce a short background paper providing a description of the mandate, priorities and knowledge gaps relative to each member's particular work on trafficking in persons.

10. Other planned activities include: the dissemination of messages to the field and country offices of the Group's members to explain the role and tasks of the Group; the preparation of terms of reference for the rotating Chair of the Group, outlining the role and duration of the position; and the exchange of information between the Group's focal points on developments related to the global plan of action on trafficking in persons.

11. Member States are invited to carefully consider increasing the level of regular and extrabudgetary resources to allow the United Nations Crime Prevention and Criminal Justice Programme to fully implement its mandates on combating trafficking in persons, pursuant to General Assembly resolution 64/178.

III. Global plan of action on preventing trafficking in persons, prosecuting traffickers and protecting and assisting victims of trafficking

12. On 19 March 2010, the ambassadors of Cape Verde and Portugal, in their role as co-facilitators, convened a meeting to start consultations and consideration by Member States of a United Nations global plan of action on preventing trafficking in persons. The co-facilitators had drafted, for consideration at the meeting, a document entitled "A global plan of action against trafficking in persons: possible goals and elements". The paper was intended to launch the discussion at the first meeting of the process of consultations. It provided information on efforts made by the General Assembly to combat trafficking in persons and outlined some goals for and possible elements of the global plan of action, which had been included in a background paper prepared for the thematic debate of the Assembly on trafficking in persons held in May 2009.

13. The President of the sixty-fourth session of the General Assembly, the Executive Director of UNODC and others spoke at the meeting, which was very well attended by Member States. The co-facilitators then asked Member States and international organizations to send their contributions and comments on the document, which would be included in a first draft plan of action and circulated to Member States.

14. On 21 April 2010, the co-facilitators convened the second meeting on the global plan of action on trafficking in persons in order to circulate the first draft plan of action, give further explanations regarding its content and invite general preliminary comments on the draft text. These comments were received, the draft was accordingly modified and a third meeting to negotiate the draft text of the global plan of action was convened on 26 May 2010. As a result of that meeting, as of mid-June, proposals had been formulated for all sections of the draft global plan of action and negotiations with Member States were ongoing and expected to come to fruition in the following weeks.

IV. Input from regional organizations on challenges experienced and best practices in coordinating efforts to prevent and combat trafficking in persons

15. UNODC invited over 50 regional organizations to share relevant information and received responses from the Group of Experts on Action against Trafficking in Human Beings of the Council of Europe, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the Organization for Security and Cooperation in Europe (OSCE) and the International Centre for Migration Policy Development.

A. *Toolkit to Combat Trafficking in Persons*: initiatives worldwide

16. In 2008, UNODC published the second edition of its *Toolkit to Combat Trafficking in Persons*.[1] In the Toolkit, UNODC presented examples of promising practice from around the world relating to trafficking interventions in order to demonstrate the range of resources available to those involved in efforts against trafficking. The Toolkit contains many examples from regional organizations of challenges experienced and best practices in coordinating efforts to prevent and combat trafficking in persons.

17. For instance, in October 2004, the memorandum of understanding on cooperation against trafficking in persons in the Greater Mekong Subregion was signed by the Coordinated Mekong Ministerial Initiative against Trafficking. After a year of negotiations, ministerial representatives of Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam signed the comprehensive memorandum of understanding and committed themselves to taking joint action to combat all aspects of trafficking in persons. It is the first of its kind in the Asia and Pacific region and it clearly lays out methods and areas of policy and cooperation at both the national and international levels with regard to the legal framework, law enforcement, criminal justice, protection, the recovery and reintegration of victims and preventive measures.

18. In the areas of the legal framework, law enforcement and justice, the six States have committed themselves to do the following:

[1] United Nations publication, Sales No. E.08.V.14.

(a) To quickly adopt and enforce appropriate legislation against trafficking in persons;

(b) To provide training to officials to permit the rapid and accurate identification of trafficked persons;

(c) To develop efficient cooperation in the criminal justice system;

(d) To strengthen cross-border cooperation in law enforcement among the six States to combat trafficking through the criminal justice process;

(e) To provide the necessary personnel and budgetary support for trafficking response capacities within national law enforcement authorities;

(f) To promote bilateral or multilateral agreements among the participating States to assist each other in the judicial process.

19. In addition, chiefs of police from each of the States members of the Association of Southeast Asian Nations (ASEAN) take part in regular conferences and have agreed to work together to combat trafficking in persons. At the 25th Annual Conference of ASEAN Chiefs of Police, held in Bali, Indonesia, from 16 to 20 May 2005, participants identified the following objectives: to further enhance police professionalism, to forge stronger regional cooperation in police work and to promote lasting friendships among police officers of ASEAN countries. The conference, attended by delegates from Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam, adopted the following resolutions with respect to trafficking in persons:

(a) To enhance information exchange among member States on the identities, movements and activities of transnational criminal organizations involved in trafficking in persons;

(b) To appoint, update and disseminate the contact points of each member country for the purpose of liaison and exchange of information on trafficking in persons;

(c) To encourage member States to conclude bilateral or multilateral agreements on combating trafficking in persons and enhance cooperation on border control management.

20. The Eurojust initiative is an example of a way of supporting existing regional structures. The European Union has established a liaison network of prosecutors (Eurojust) in order to deal more efficiently with cross-border crime, in particular crime committed by organized transnational criminal groups. Each member State nominates one prosecutor to join Eurojust, which is based in The Hague and is involved in the following:

(a) Stimulating and improving the coordination of investigations and prosecutions between competent authorities in European Union member States;

(b) Taking into account any request emanating from a competent authority of a member State and any information provided by any body competent by virtue of provisions adopted within the framework of the treaties;

(c) Improving cooperation between the competent authorities of the member States, in particular by facilitating the execution of international mutual legal assistance and the implementation of extradition requests;

(d) Supporting the competent authorities of the member States in order to render their investigations and prosecutions more effective when dealing with cross-border crime.

21. By achieving those objectives, Eurojust enhances cooperation and coordination between national investigating and prosecuting authorities, allowing all law enforcement agencies to act more effectively, both individually and collectively, when dealing with international crime and more importantly to bring criminals to justice more quickly.

22. Another example of a regional best practice in coordinating efforts to prevent and combat trafficking in persons is the Task Force on Organized Crime in the Baltic Sea Region. Pursuant to its vision statement, adopted by the third Heads of Government Meeting in May 2006, the Task Force "acts as a regional best practice example in Europe for multidisciplinary operational law enforcement cooperation against organized crime". Following a meeting of the Operative Committee of the Task Force in November 2003, the Expert Group on Illegal Migration and the Expert Group on Trafficking in Women were merged to form the Expert Group on Trafficking in Persons, consisting of experts from law enforcement authorities of member States, as well as the International Criminal Police Organization (INTERPOL) and the European Police Office (Europol). The primary task of the Expert Group is to assess the situation with regard to trafficking in persons in the Baltic Sea region and to coordinate and present national and international operations in response to it. The experts meet regularly to discuss implementation of Task Force decisions. The Expert Group has also developed close contacts with the Network of Prosecutors General in the Baltic Sea States, Eurojust and the Task Force against Trafficking in Human Beings in the Barents Euro-Arctic region.

23. The Regional Victim/Witness Protection Protocol to Combat Trafficking, Commercial Exploitation and Sexual Abuse of Women and Children in South Asia is an attempt by the Regional Action Forum on Improving the Implementation of Laws Protecting Women and Children to establish norms for the protection of victim-witnesses in Bangladesh, India, Nepal and Sri Lanka. Although the laws (penal codes, criminal procedure codes and constitutions) of those countries refer to witness protection, the drafters of the Protocol believe that the existing laws are insufficient to adequately protect women and child victim-witnesses who have been trafficked for sexual exploitation. In response, the Protocol is rights-based and regionally specific to protect and promote the rights of victims and witnesses of crimes in proceedings where their lives, psychological and physical security and property are endangered through their participation in the criminal justice system. The Protocol is a response to the need for a common approach and for common principles to guide the protection of victims and witnesses.

B. Council of Europe

24. The Council of Europe Convention on Action against Trafficking in Human Beings[2] is the first European treaty in this field and is considered to be one of the Council of Europe's major achievements in its 60 years of existence.

25. The Council of Europe Convention has a monitoring mechanism consisting of two pillars: the Group of Experts on Action against Trafficking in Human Beings, a technical body composed of independent and highly qualified experts, and the Committee of the Parties, a political body composed of representatives of the parties to the Convention in the Committee of Ministers of the Council of Europe, as well as representatives of parties that are not members of the Council of Europe. The Group of Experts on Action against Trafficking in Human Beings will evaluate the implementation of the Convention by the parties following a procedure divided into rounds. The first round of evaluations was launched in 2010 and will finish at the end of 2013.

26. The Council of Europe Convention highlights the importance of partnerships among States, international organizations, civil society and national entities. Chapter IV of the Council of Europe Convention is devoted to international cooperation and cooperation with civil society. Trafficking in persons is by definition a transversal issue and therefore concerns most national policies and actors. Consequently, any national action to combat trafficking in persons must be global and multisectoral, and take on board the required multidisciplinary expertise. To be effective, this comprehensive national action must be coordinated through a specific governmental body or entity, as set out in article 29 of the Council of Europe Convention.

27. A relevant example of coordinated action is the Council of Europe's campaign to combat trafficking in human beings, carried out between 2006 and 2008 under the slogan "Human beings — not for sale". The main aims of the campaign were to raise awareness of the problem of trafficking in persons and to identify possible solutions and promote the widest possible signature and ratification of the Council of Europe Convention. A total of 41 member States participated in one or more of the 11 information and awareness-raising seminars aimed at highlighting measures that can be taken to prevent this form of slavery, to protect the human rights of victims and to prosecute traffickers and their accomplices. The campaign was one of the most successful campaigns of the Council of Europe, not only in terms of raising awareness, but also because it led to the prompt ratification of the Council of Europe Convention by many States, which in turn resulted in the Convention's rapid entry into force.

28. In addition, the Council of Europe has given its support to the Pan-European Campaign on Compensation for Trafficked Persons, to be launched in July 2010 by Anti-Slavery International and La Strada International, together with partners in 13 countries. The Campaign is based on the provisions of article 15 of the Council of Europe Convention, on compensation and legal redress to victims of trafficking in persons.

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[2] Council of Europe, *Treaty Series*, No. 197.

29. Another example of good practice in coordinating different international organizations working against trafficking in persons is the joint Council of Europe/United Nations study, *Trafficking in Organs, Tissues and Cells and Trafficking in Human Beings for the Purpose of the Removal of Organs*. The Council of Europe and the United Nations prepared this joint study pursuant to General Assembly resolution 63/14, entitled "Cooperation between the United Nations and the Council of Europe", which was adopted in 2008. One of the outcomes of the joint study is the recommendation that an international legal instrument be prepared, setting out a definition of "trafficking in organs, tissues and cells" and the measures to prevent such trafficking and protect the victims, as well as the criminal law measures to punish the crime.

C. Frontex

30. Frontex, a European Union agency based in Warsaw, was created as a specialized and independent body tasked with coordinating operations between member States in the field of border security. The activities of Frontex are intelligence-driven. Frontex complements and adds specialized value to the national border management systems of member States.

31. Frontex has experienced many challenges and identified best practices in coordinating efforts to prevent and combat trafficking in persons. It recognizes that a large variety of new initiatives and best practices covering all facets of trafficking in persons exists at the national level in member States, but that quite often information on such initiatives and best practices is not exchanged. Some of that information would also be useful to border control authorities in their fight against trafficking in persons. A centralized structure and the sharing of detailed documentation of identified good practices and successful new initiatives across European Union member States would be helpful, as would the mutual provision of help to implement the initiatives.

32. Not all European Union member States have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime[3] or signed the Council of Europe Convention on Action against Trafficking in Human Beings. Legislation on trafficking in persons differs in European Union member States and, in practice, there are no uniform procedures for dealing with such trafficking. The differences in procedures reduce the effectiveness of member States working together and could pose risks during joint operations carried out in the framework of Frontex.

33. In terms of collecting information on various aspects of trafficking in persons, a main challenge is the dispersal of national databases and data collection measures among different authorities. As a result, the picture remains very fragmented and some opportunities for preventing and fighting the phenomenon are not made use of.

34. In the experience of the member States of Frontex, profiling and identifying suspects and victims is very important. Some member States have formed teams to

[3] United Nations, *Treaty Series*, vol. 2237, No. 39574.

do profiling at airports, or charged operative and analytical units with preparing lists, for use at border-crossing points, of profiled victims and facilitators of trafficking in persons. If there are indications at a border control post that trafficking in persons is taking place, a thorough profiling is carried out to verify whether the offence is taking place or not. In addition, border control officers profile passengers during immigration procedures. This profiling includes victims and suspects. Specific profiles may be sent out to frontline officers, especially if a new trend has been identified.

35. Most European Union member States intensify their collaborative efforts with international organizations such as Europol against illegal migration by setting up joint data files, exchanging and evaluating data and, in particular, establishing modi operandi between various member States so as to facilitate the flow of information. In addition, international joint investigation groups are being set up. Special multi-agency organizations acting as central coordinators of intelligence, analysis and operations aimed at combating trafficking in persons have been established and work very closely with law enforcement agencies throughout the country, but also internationally. Sometimes, these organizations work together with non-governmental organizations to help combat trafficking in persons and related crimes.

D. International Centre for Migration Policy Development

36. The International Centre for Migration Policy Development (ICMPD) was founded in 1993, upon the initiative of Austria and Switzerland, to serve as a support mechanism for informal consultations and to provide expertise and efficient services in the newly emerging landscape of multilateral cooperation on migration and asylum issues. Through its recently published *Study on Post-trafficking Experiences* in the Czech Republic, Hungary, Italy and Portugal, ICMPD outlines how the current transnational referral framework in the countries mentioned in the title is understood, perceived and experienced by trafficked persons. In addition, it considers, from the perspective of those working to fight trafficking in persons, the following issues: identification; first assistance and protection; longer-term assistance and social inclusion; criminal and civil proceedings; and return and social inclusion.

37. The findings of the study, which are based on interviews with trafficked persons and those working to fight trafficking in persons, can serve to guide service providers in their daily work with trafficked persons and policymakers designing national and transnational referral mechanisms and anti-trafficking strategies and action plans.

38. The study found that, overall, identification procedures needed to be strengthened further, since they continue to constitute a weakness in the referral process. Information on assistance and protection programmes needs to be more visible and more easily available. Most trafficked persons were uninformed and unaware of how to get out of exploitative situations and of how to get assistance. In addition, cultural mediators should be utilized to facilitate communication between trafficked persons and service providers and the authorities. The presence of a cultural mediator is very helpful and contributes to the well-being of trafficked

persons. Appropriate communication with trafficked persons is crucial at all stages of an anti-human trafficking intervention. Cultural mediators are not only able to interpret between speakers of different languages, but also understand the customs, values and habits of the culture of trafficked persons and the service providers and authorities in the destination country.

39. In order to meet the basic needs of trafficked persons, it is crucial to provide appropriate and adequate first assistance and protection, which often comes in the form of shelter. In addition, longer-term assistance and social inclusion efforts need to be properly planned. Providers of such assistance should try to help and protect trafficked persons while promoting their autonomy and self-confidence. It is important to remember that providing protection to trafficked persons also means promoting their abilities and skills.

40. In order to be able to adequately identify, assist and protect trafficked persons, those working to fight trafficking in persons must cooperate and communicate well, not only within a country, but also between countries of origin, transit and destination. All relevant governmental, non-governmental and international actors have to be properly connected. Only if transnational referral mechanisms function well can return procedures be carried out in an appropriate way and can trafficked persons be adequately assisted and protected, both upon and after arrival in the country of origin or in a third country. Since most cases of trafficking in persons have transnational elements, cooperation between embassies in countries of origin, transit and destination needs to be improved.

E. Organization for Security and Cooperation in Europe

41. In 2004, on the basis of the OSCE Platform for Cooperative Security, and taking into account the Edinburgh Declaration of the OSCE Parliamentary Assembly, in which the Assembly encouraged OSCE to take a leading role in the OSCE region in coordinating, at the level of headquarters and in the field, all regional efforts to combat human trafficking, in cooperation with the United Nations and other international organizations, OSCE initiated the establishment of the Alliance against Trafficking in Persons.

42. The Alliance was designed to serve the following goals, beneficial for both the Alliance's partners and OSCE participating States: to exchange best practices and information, to share experience, to explore new approaches to better tackle trafficking in persons, to establish shared priorities and to undertake common initiatives, thus ensuring better coordination among international organizations and diminishing duplication. In addition, the Alliance was expected to provide OSCE participating States and partners with harmonized, evidence-based approaches and international expertise, and to serve as a platform for dialogue with civil society.

43. The Alliance has been functioning through two complementary formats: (a) high-level conferences conducted once or twice a year and hosted by the special representative charged with drawing attention to the most pressing aspects of human trafficking, and (b) the Alliance Expert Coordination Team, which brings together representatives of leading international organizations and non-governmental organizations and provides an operational and consultative forum for strategic networking and joint actions in the OSCE area. The Alliance Expert Coordination

Team also includes representatives from OSCE structures and institutions such as the Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, the Strategic Police Matters Unit, the Office of the Coordinator of Economic and Environmental Activities, the office of the Senior Adviser on Gender Issues and the Office for Democratic Institutions and Human Rights. The Team holds meetings twice a year, hosted by the Special Representative, to update partners on activities carried out to combat trafficking in persons, share plans for the future, discuss problematic issues, identify priorities, and develop joint initiatives.

44. Between 2004 and 2010, the Special Representative organized and hosted the Alliance's high-level conferences and seminars, which were dedicated to topics that had been recognized as priority issues by those working against trafficking in persons. Recent initiatives include a conference on unprotected work, invisible exploitation: trafficking for the purpose of domestic servitude (Vienna, 17-18 June 2010); a technical seminar on trafficking for labour exploitation, focusing on the agricultural sector (Vienna, 27-28 April 2010); and a conference on the prevention of modern slavery (Vienna, 14-15 September 2009).

45. Alliance events are usually attended by hundreds of representatives from the 56 OSCE participating States, including practitioners from those States' capitals, and representatives of non-governmental organizations, prominent experts, academics, parliamentarians and media representatives. These events provide an optimal platform for awareness-raising, exchanging best practices, networking, capacity-building and elaborating on recommendations. Importantly, they also ensure geographical balance. The outcomes of many of these events have been taken into account and have provided the basis for the preparation of OSCE Ministerial Council decisions.

46. Alliance events have led to the publication of papers, as part of the OSCE Occasional Papers Series, on trafficking in persons for labour exploitation (including on trafficking in persons for exploitation in the agricultural sector) and of position papers setting out the agreed opinion of Alliance partners on victim protection tailored to the needs of children and on the protection of trafficked persons. The Special Representative plans to publish, in 2010, a paper on domestic servitude as part of the Occasional Paper Series.

V. Conclusion

47. In its resolution 64/178, the General Assembly reiterated its request to the Secretary-General to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandates on combating trafficking in persons, in conformity with its high priorities, and to provide adequate support to the Commission on Crime Prevention and Criminal Justice, and invited Member States to provide voluntary contributions to UNODC for the purpose of providing assistance to Member States upon request.

48. UNODC expresses its gratitude to donors for the voluntary contributions made available for strengthening its capacities in its coordinating functions and invites Member States to strongly consider increasing the level of regular budget resources to allow UNODC to implement its mandates on combating trafficking in persons.